

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**SAMUEL ALSTON,**

Plaintiff,

v.

**TABB BICKELL, et al.,**

Defendants.

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2:21cv354

**Electronic Filing**

**MEMORANDUM ORDER**

This case is before the Court on [30] a Report and Recommendation (“R&R”) that was filed by Magistrate Judge Dodge on May 10, 2022. The R&R recommends that this case be dismissed with prejudice as a result of plaintiff’s failure to prosecute. This recommendation is based on plaintiff’s failure to file a response to defendants’ pending motion to dismiss despite being directed to do so on multiple occasions. As of this date plaintiff has failed to 1) file a response to defendants’ pending motion to dismiss, 2) file any other motion or submission for the court’s consideration or 3) file objections to the R&R. Therefore, after *de novo* review of the record, the following order is now entered:

AND NOW, this 22<sup>nd</sup> day of September, 2022, IT IS ORDERED that this case is dismissed with prejudice for failure to prosecute. The May 10, 2022, Report and Recommendation of Magistrate Judge Dodge is adopted as the Opinion of the Court; and

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed.

s/David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: Samuel Alston  
36-11 12th St. Apt. 2c  
Long Island City, NY 11106

*(Via First Class Mail)*

The Honorable Patricia L. Dodge  
United States Magistrate Judge

Justin Gayle, DAG

*(Via CM/ECF Electronic Mail)*